

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GLOBECAST AMERICA INCORPORATED,

Plaintiff,

- v -

AETNA, INC. et al.,

Defendants.
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MEMORANDUM AND ORDER

CV-08-4695 (FB) (VVP)

The parties have filed a Stipulation and Order for the Protection of Confidential Information which carries a signature line for the court's endorsement. The Order describes four categories of documents which may be made subject to the Order, three of which are problematic. Aside from trade secrets, for which protection is appropriate, the Order would cover, "sensitive financial information," "information that [a] Party is under a pre-existing obligation to maintain as confidential," and information that [a] Party would not disclose during the normal course of business." These descriptions are vague and potentially overbroad, and permit the parties to designate documents as confidential, and therefore subject to the order, without a showing of "good cause" as required by Rule 26(c). Accordingly, the court has declined to enter the order as written. Instead, the court has stricken the problematic categories identified above. Should a party wish to designate other information for coverage under the Order, an application may be made to the court which describes that information with sufficient specificity to permit the court to determine whether it qualifies for protection, and if the need for protection is not readily apparent from the description of the information, a showing of good cause must accompany the application.

SO ORDERED:

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
January 23, 2010